

THE DRAMATIC PERFORMANCES ACT, 1876

(Act XIX of 1876)

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THE DRAMATIC PERFORMANCES ACT, 1876

(Act XIX of 1876)

[16 December 1876]

An Act for the better control of public dramatic performances.

Preamble.— WHEREAS it is expedient to empower the Government to prohibit public dramatic performances which are scandalous, defamatory, seditious or obscene;

It is hereby enacted as follows:-

1. Short title.— This Act may be called the Dramatic Performances Act, 1876.

Local extent.— It extends to ¹[the whole of Pakistan].

²[* * * * *]

2. “Magistrate” defined.— In this Act “Magistrate” means, ³[* * *] the Magistrate of the district.

3. Power to prohibit certain dramatic performances.— Whenever the ⁴[Provincial Government] is of opinion that any play, pantomime or other drama performed or about to be performed in a public place is—

(a) of a scandalous or defamatory nature, or

(b) likely to excite feelings of disaffection to the Government established by law in ⁵[Pakistan], or

(c) likely to deprave and corrupt persons present at the performance,

the ⁶[Provincial Government], ⁷[* * *] or such Magistrate as it may empower in this behalf, may by order prohibit the performance.

Explanation— Any building or enclosure to which the public are admitted to witness a performance on payment of money shall be deemed a “public place” within the meaning of this section.

4. Power to serve order of prohibition – Penalty for disobeying order.— A copy of any such order may be served on any person about to take part in the performance so prohibited or on the owner or occupier of any house, room or place in which such performance is intended to take place; and any person on whom such copy is served, and who does, or willingly permits, any act in disobedience to such order, shall be punished on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

¹Substituted by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), (with effect from the 14th October, 1955), for “all the Provinces and the Capital of the Federation” which had been substituted by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. 4 of 1949), for “the whole of British India”.

²The words “And it shall come into force at once” repealed by the Repealing and Amending Act, 1914 (X of 1914).

³The words “in the Presidency-towns, a Magistrate of Police, and elsewhere” omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. 4 of 1949).

⁴Substituted for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937, as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

⁵Substituted by Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), for “British India [for British Burma]”. The words in brackets had been inserted by the Government of India (Adaptation of Indian Laws) Order, 1937, as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

⁶Substituted by Government of India (Adaptation of Indian Laws) Order, 1937, as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937 for “Local Government”.

⁷The words “or outside the Presidency-towns the Provincial Government” omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. 4 of 1949)

5. Power to notify order.— Any such order may be notified by proclamation, and a written or printed notice thereof may be stuck up at any place or places adapted for giving information of the order to the persons intending to take part in or to witness the performance so prohibited.

6. Penalty for disobeying prohibition.— Whoever after the notification of any such order—

- (a) takes part in the performance prohibited thereby or in any performance substantially the same as the performance so prohibited, or
- (b) in any manner assists in conducting any such performance, or
- (c) is, in willful disobedience to such order, present as a spectator during the whole or any part of any such performance, or
- (d) being the owner or occupier, or having the use of any house, room or place, opens, keeps or uses the same for any such performance, or permits the same to be opened, kept or used for any such performance,

shall be punishable on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

7. Power to call for information.— For the purpose of ascertaining the character of any intended public dramatic performance, the ¹[Provincial Government], or such officer as it may specially empower in this behalf, may apply to the author, proprietor or printer of the drama about to be performed, or to the owner or occupier of the place in which it is intended to be performed, for such information as the ²[Provincial Government] or such officer thinks necessary.

Every person so applied to shall be bound to furnish the same to the best of his ability, and whoever contravenes this section shall be deemed to have committed an offence under section 176 of the ³Pakistan Penal Code.

8. Power to grant warrant to Police to enter and arrest and seize.— If any Magistrate has reason to believe that any house, room or place is used, or is about to be used, for any performance prohibited under this Act, he may, by his warrant, authorize any Officer of Police to enter with such assistance as may be requisite, by night or by day, and by force, if necessary, any such house, room or place, and to take into custody all persons whom he finds therein, and to seize all scenery, dresses and other articles found therein and reasonably suspected to have been used, or to be intended to be used, for the purpose of such performance.

9. Saving of prosecutions under Penal Code, sections 124-A and 294.— No conviction under this Act shall bar a prosecution under section 124A or section 294 of the ⁴Pakistan Penal Code.

10. Power to prohibit dramatic performance in any local area, except under license.— Whenever it appears to the ⁵[Provincial Government] that the provisions of this section are

¹Substituted, by Government of India (Adaptation of Indian Laws) Order, 1937, as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937 for “Local Government”.

²*Ibid.*

³XLV of 1860.

⁴*Ibid.*

⁵Substituted, by Government of India (Adaptation of Indian Laws) Order, 1937, as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937 for “Local Government”.

required in any local area, it may ¹[* * *] declare, by notification in the ²[Official Gazette], that such provisions are applied to such area from a day to be fixed in the notification.

On and after that day, the ³[Provincial Government] may order that no dramatic performance shall take place in any place of public entertainment within such area, except under a license to be granted by such ⁴[Provincial Government], or such officer as it may specially empower in this behalf.

The ⁵[Provincial Government] may also order that no dramatic performance shall take place in any place of public entertainment within such area, unless a copy of the piece, if and so far as it is written, or some sufficient account of its purport, if and so far as it is in pantomime, has been furnished, not less than three days before the performance to the ⁶[Provincial Government] or to such officer as it may appoint in this behalf.

A copy of any order under this section may be served on any keeper of a place of public entertainment; and if there after he does, or willingly permits, any act in disobedience to such order, he shall be punishable on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

11. [*Power exercisable by Governor-General*]. Repealed by A.O., 1937.

12. Exclusion of performance at religious festivals.— Nothing in this Act applies to any *jatras* or performances of a like kind at religious festivals.

¹The words, “with the sanction of the G.G. in C.” repealed by the Decentralization Act, 1914 (IV of 1914).

²Substituted by the Government of India (Adaptation of Indian Laws) Order, 1937, as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937 for “Local Official Gazette”.

³Substituted *ibid.*, for “Local Government”.

⁴*Ibid.*

⁵*Ibid.*

⁶Substituted by the Government of India (Adaptation of Indian Laws) Order, 1937, as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937 for “Local Government”.